

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29602 of 2024**

Arising Out of PS. Case No.-285 Year-2022 Thana- BIHAR District- Nalanda

Nitish Kumar, Son of Rajendra Prasad, Resident of village - Meghi, P.S.-  
Deepnagar, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Mr. Sudhir Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**

ORAL ORDER

3      12-07-2024              Mr. N.K. Agrawal, learned senior counsel appearing  
  
for the petitioner submitted that while rejecting the prayer of  
  
bail of this petitioner on earlier occasion through Cr. Misc.  
  
No.30941 of 2023 dated 04.07.2023, it was directed  
  
specifically to the trial court to conclude the trial within nine  
  
months. Despite of the direction, no progress in trial was  
  
made before the trial court, where petitioner remains in  
  
custody since 18.05.2022.

2. A report was also called for from the learned  
  
trial court regarding stage of trial, which made available to  
  
this Court through Letter No.46/2024 dated 9<sup>th</sup> May, 2024



of learned Sessions Judge, Nalanda, which is based upon the report of learned Chief Judicial Magistrate, Bihar Sharif, where stage shown is still "appearance for accused persons".

3. It is further pointed out by Mr. Agrawal that still in this matter charge could not be framed by learned trial court despite of the fact that petitioner is in custody since 18.05.2022 and, as such, trial is not likely to conclude in near future. It is pointed out that in want of trial, petitioner cannot be kept behind the bars for an indefinite period, which appears in violation of Article 21 of the Constitution of India i.e. denial of speedy trial. In support of his submission, learned senior counsel has relied upon the legal report of Hon'ble Supreme Court as passed in the matter of **Hussainara Khatoon & Ors. vs. Home Secretary, State of Bihar, Patna [1980 (1) SCC 98]**.

4. Learned APP while opposing the prayer of bail submitted that petitioner is the husband of daughter of the informant, facing specific allegation of causing dowry death.

5. It appears from the record that a specific direction to the learned trial court was given by this Court



while rejecting the earlier prayer of bail of petitioner through Cr. Misc. No. 30941 of 2023 dated 04.07.2023 as to conclude the trial within nine months. Now, through aforesaid letter of Sessions Judge, Nalanda, it appears that this matter was committed just on 23.04.2024 and, as such, there is remote chance to conclude the trial in near future, accordingly, the petitioner, above-named, who is in custody since 18.05.2022, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Bihar P.S. Case No.285 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall co-operate in the trial and if he found intentionally delaying the trial, the State shall be at liberty to press a prayer before the Trial Court itself for the cancellation of bail of the petitioner.

(ii) That petitioner shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption



from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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